

FILED**NR**

**UNITED STATES DISTRICT CIRCUIT
FOR THE
NORTHERN DISTRICT OF ILLINOIS**

FEB 07 2008

2-7-2008

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

UNITED STATES OF AMERICA,)

)

v.)

No. 07 CR 736-1

)

Judge Joan B. Gotschall

HESHAM IBRAHIM ELMASSRY)

DEFENDANT'S RESPONSE TO PRESENTENCE INVESTIGATIVE REPORT

NOW COMES, the Defendant, HESHAM ELMASSRY (hereinafter "Defendant") by and through his attorney, JOHN HADERLEIN, and in response to the Presentence Investigative Report filed by Rebecca L. Fowlie, United States Probation Officer, hereby states as follows:

PART A. THE OFFENSE

Defendant has no response to the factual and legal allegations contained in Part A, including those sub-parts entitled "Charge(s) and Conviction(s)", "The Offense Conduct", "Victim Impact", "Adjustment for Obstruction of Justice", "Adjustment for Acceptance of Responsibility", "Offense Level Computations", "Count One – Tax Fraud" and its sub-subparts entitled "Base Offense Level", "Specific Offense Characteristic", "Victim-Related Adjustment", "Adjustment for Role in the Offense", "Adjustment for Obstruction of Justice", "Adjusted Offense (Subtotal)", "Adjustment for Acceptance of Responsibility", "Total Offense Level", "Chapter Four Enhancements", "Total Offense Level", and the final subpart entitled "Offense Behavior Not Part of Relevant Conduct".

PART B. DEFENDANT'S CRIMINAL HISTORY

Defendant has no response to the factual and legal allegations contained in Part B, including those sub-parts entitled "Juvenile Adjudication(s)", "Adult Criminal Conviction(s)", "Criminal History Computation", "Other Arrests", and "Adult".

PART C. OFFENDER CHARACTERISTICS

Defendant has no response to the factual and legal allegations contained in Part C, including those sub-parts entitled "Personal and Family Data", "Physical Condition", "Mental and Emotional Health", "Substance Abuse", "Education and Vocational Skills", "Employment Record", "September 24, 2007 to Present (Partially Verified)", "1997 to June 2007 (Verified)", "Financial Condition: Ability to Pay", sub-subparts entitled "Assets", "Cash", "Unencumbered Assets", "Equity in Other Assets", "Unsecured Debts", "Net Worth", "Monthly Cash Flow", "Income", "Necessary Monthly Living Expenses", "Net Monthly Cash Flow", and the final subpart entitled "Analysis".

PART D. SENTENCING OPTIONS

Defendant has no response to the factual and legal allegations contained in Part D, including those sub-parts entitled "Custody", those sub-subparts entitled "Statutory Provisions", "Guideline Provisions", the subparts entitled "Impact of Plea Agreement" and "Supervised Release", and those sub-subparts entitled "Statutory Provisions", "Guideline Provisions", the subpart entitled "Probation" and its sub-subparts entitled "Statutory Provisions" and "Guideline Provisions", the

subpart entitled "Fines" and its sub-subparts entitled "Statutory Provisions" and "Guideline Provisions", the subpart entitled "Restitution" and its sub-subparts entitled "Statutory Provisions" and "Guideline Provisions". Defendant affirmatively states that he has extensively cooperated with, and has substantially assisted the government in its efforts to combat terrorism, and therefore should be considered for a downward departure from the low end of the applicable guideline range. Defendant affirmatively asserts that his extensive cooperation would suggest a sentence of probation which would include allowing him the ability to travel internationally, in order that Defendant will be allowed to work in, and to visit with his family in, Egypt, and to pay restitution imposed by the government as a term of his probation. Defendant additionally asserts that his sentence should be consistent with the Plea Agreement entered with the United States Attorney for the Northern District of Illinois, Patrick J. Fitzgerald, and that his sentence should not include Custody, Supervised Release, or Fines.

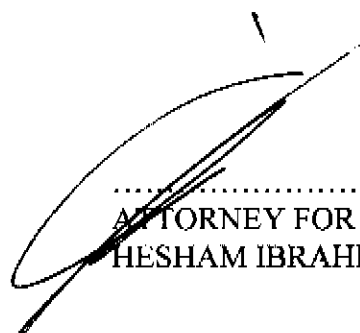
PART E. FACTORS THAT WARRANT DEPARTURE

Defendant has no response to the factual and legal allegations contained in Part E. Defendant affirmatively states that he has extensively cooperated with, and has substantially assisted the government in its efforts to combat terrorism, and therefore should be considered for a downward departure from the low end of the applicable guideline range. Defendant affirmatively asserts that his extensive cooperation would suggest a sentence of probation which would include allowing him the ability to travel internationally, in order that Defendant will be allowed to work in, and to visit with his family in, Egypt, and to pay restitution imposed by the government as a

term of his probation. Defendant additionally asserts that his sentence should be consistent with the Plea Agreement entered with the United States Attorney for the Northern District of Illinois, Patrick J. Fitzgerald, and that his sentence should not include Custody, Supervised Release, or Fines.

Respectfully submitted

JOHN HADERLEIN, ESQ.



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